

3/4. (twice amended). A nucleoside [5'-phosphate of claim 1, 2 or 3] ~~5'-triphosphate~~ <sup>5'-triphosphate</sup> of claim 1 or 3 wherein said nucleoside contains a base selected from the group consisting of ~~adenine (A)~~ <sup>adenine (A)</sup>, guanine (G), thymine (T), cytosine (C) and uracil (U).

Cancel claim 5.

4/5. (twice amended). A nucleoside [5'-phosphate of claim 1, 2 or 3] 5' triphosphate of claim 1 or 3 wherein said removable blocking moiety is enzymatically removable.

7. (twice amended). A nucleoside [5'-phosphate of claim 1, 2 or 3] ~~5'-triphosphate of claim 1 or 3~~ wherein said removable blocking moiety is removed in under 10 minutes.

8. (twice amended). A nucleoside [5'-phosphate of claim 1, 2 or 3] ~~5'-triphosphate of claim 1 or 3~~ wherein said removable blocking moiety is linked to a solid support.

#### REMARKS

The Specification has been amended to update the current status for each of the related applications mentioned therein. No new matter has been added.

Claims 1, 3, 4, 6-8 have been amended to establish clear antecedent basis for the recitation nucleoside triphosphates. Accordingly, no new matter has been added. Entry of the Amendment is requested.

#### REJECTION UNDER 35 U.S.C. § 101

Claims 1-8 have been objected to as claiming the same invention as that of claims 1-6 of U.S. Patent No. 5,763,594 ("the '594 patent"). The Examiner has contended that the present claims include all of the limitations of the claims in the '594

patent, in that the 5'-nucleoside phosphate has a removable moiety at the 3'-position which is selected from the same group of "blocking moieties."

Applicants have canceled claim 2 in response to the rejection. Applicants traverse the rejection as to claims 1, 3, 4, and 6-8. Claim 1 is not limited to the blocking moieties listed in claim 1 of the '594 patent. Claim 3 of the present application limits the removable blocking moieties to esters, ethers and phosphates. Clearly, claims 1 and 3 are not identical to claim 1 of the '594 patent. Reconsideration and withdrawal of the rejection are respectfully requested.

**REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 1-8 have been rejected as apparently indefinite for lacking antecedent basis. Applicants have amended the claims to recite that the compound is a nucleoside 5'-triphosphate, and have cancelled others as redundant. Reconsideration and withdrawal of this rejection are requested.

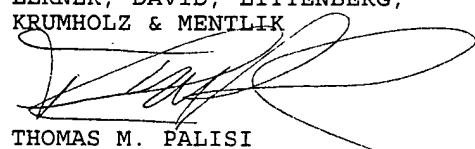
Claims 6-8 have been rejected on the additional ground of failing to further limit the identity of the compound. Applicants traverse this ground of rejection. Claims 6-8 further define the compounds in functional terms. Similar recitations are the subject of claims 4-6 of the '594 patent, which are supported by (and interpreted in light of) the same specification. In view of MPEP § 706.04 ("Rejection of Previously Allowed Claims" . . . Full faith and credit should be given . . . ."), reconsideration and withdrawal of the rejection are respectfully requested. Accordingly, reconsideration and

withdrawal of this ground of rejection are respectfully requested.

Applicants submit that the present Amendment serves to overcome all outstanding rejections and places the claims in condition for allowance. An early Notice to this effect is earnestly solicited. The Examiner is encouraged to contact the undersigned if he has any questions.

Respectfully submitted,

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